

# State Public Charter School Commission (\*Aha Kula Ho'āmana)\*

## E-Rate Consultant Letter of Agency Funding Year 2016-2017

To Whom It May Concern:

State Public Charter School Commission<sup>1</sup> and its associated Consortium, District or System member entities, if any<sup>2</sup> (hereinafter, **Applicant**) hereby authorizes Learningtech.org [The Miller Institute for Learning with Technology] and its authorized representatives<sup>3</sup> (hereinafter, **Consultant**) to discuss, prepare, and submit all appropriate E-Rate forms. It also authorizes Consultant to interact with the Schools and Libraries Division [SLD] of the Universal Service Administrative Company [USAC], USAC itself, and the Federal Communications Commission [FCC] on its behalf. With this letter of agency, Applicant further authorizes Consultant to interact with Applicant's State Department of Education and with Applicant's existing or prospective service providers as needed to support E-Rate requirements, including obtaining account numbers, inventories of telecommunications circuits and similar records. This letter of agency shall remain effective through October 31, 2017, for interactions relating to the funding years indicated above, unless superseded or terminated sooner, with thirty written days notice, by either party. If Applicant is applying as an SLD Consortium, this letter of agency applies to the entire Consortium, as well as to each of the individual member entities of the Consortium.

This letter of agency authorizes Consultant to interact with the SLD of the USAC, as well as eligible service providers, on behalf of Applicant. It authorizes all necessary and appropriate E-Rate application activities (such as solicitation of bids from prospective service providers) for the Funding Years noted above, *as well as follow-up actions, as needed, for the two Funding Years before those indicated above*. It authorizes preparation and submission of all appropriate forms (470, 471, 486, 472, 500, Letters of Appeal, and so on), and correspondence with Program Integrity Assurance [PIA] and SLD audit personnel. It applies to all categories of service (Telecommunications, Internet Access, Internal Connections, Managed Internal Broadband Services and Basic Maintenance of Internal Connections) that are eligible for the E-Rate discount program.

In preparing application materials and other responses on behalf of Applicant, it is understood that Consultant shall necessarily rely on the accuracy of information provided by Applicant (including the Applicant's employees, contractors, service providers, and other authorized

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<sup>1</sup> State Public Charter School Commission was formerly known as the Hawaii Charter Schools Administrative Office (HCSAO).

<sup>2</sup> Applicant entities are listed in an Attachment C.

<sup>3</sup> The currently authorized representatives for Consultant are listed in Attachment A.

representatives) including, but not limited to: enrollment data, free/reduced lunch eligibility, service provider agreements, compliance with the Child Internet Protection Act [CIPA] and local competitive bidding regulations and practices. Consultant will exercise reasonable diligence in documenting and verifying such information. It is further understood that the responsibility for E-Rate document certifications and for the veracity of certification statements remains with Applicant, regardless of the method used to certify such statements (such as paper signatures, electronic signatures or electronic submission using a PIN). E-Rate document certifications will be executed via the methodology initialed on the signature page of this E-Rate Consulting Letter of Agency. Options include:

- One of Applicant's authorized representatives will sign E-Rate documents. In selecting this option, Applicant acknowledges that signatures may be required at inconvenient times (*e.g.*, late evening, holidays or short notice). For signature appointments, Applicant will require Internet access, handy access to Applicant's Personal Identification Number [PIN], and active participation to enter the PIN.
- Applicant makes Consultant its authorized signer. By selecting this option, Consultant will handle certifications on behalf of Applicant. Applicant acknowledges that Consultant must rely 100% on Applicant's assurances for certifications and that Applicant still bears full liability for ramifications if the veracity of the certification assurances is questioned.
- Applicant is responsible for all forms submissions and Consultant is available to provide expert consultation. Applicant acknowledges the greater risk of missing deadlines and incorrect data entry with this approach. For this option, an additional E-RATE WAIVER FOR CLIENT CONTACT INFO ON SLD FORMS is required.

Applicant understands that, in submitting E-Rate forms on its behalf, Consultant is being authorized and directed to make certain material certifications on behalf of Applicant.

**In executing this Letter of Agency, the person authorized to sign this Letter of Agency on behalf of Applicant, whose name and title appear below, hereby makes the following certifications:**

(a) E-Rate eligibility certifications will be initialed on the signature page of this E-Rate Consulting Letter of Agency. Options include:

- Applicant's school(s) is/are all schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million dollars.
- Libraries in Applicant's system are eligible for assistance from a State Library Administrative Agency under the Library Services and Technology Act of 1996, Pub. L. No. 104-208, § 211 et seq., 110 Stat. 3009 (1996) that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary, secondary schools, colleges, or universities).

(b) I acknowledge that support under the E-Rate program is conditional upon the Applicant securing access, separately or through the E-Rate program, to all of the resources, including computers, training, software, internal connections, maintenance and electrical capacity

necessary to use the services purchased effectively, and that Applicant has secured or will secure access to said resources. I recognize that some of the aforementioned resources are not eligible for E-Rate support. I certify that I have considered what financial resources should be available to cover these costs. Further, I certify that the Applicant will secure access to all of the resources to pay the discounted charges for eligible service from funds to which access has been secured or is reasonably anticipated to be secured, according to SLD guidelines, in the corresponding funding year, and that the Applicant will pay the non-discounted portion of the cost of the goods and services to the service provider(s). I certify that to the extent that the Applicant is passing through to member entities the non-discounted charges for the E-Rate services requested in conjunction with this Letter of Agency, that the entities represented by Applicant have secured access to all of the aforementioned resources including the ability to pay the non-discounted charges for eligible services from funds to which access has been secured or is reasonably anticipated to be secured, according to SLD guidelines, in the corresponding funding year.

(c) I certify that the services the Applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes, see 47 C.F.R. § 54.500, and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the rules of the Federal Communications Commission (Commission or FCC) at 47 C.F.R. § 54.513. Additionally, I certify that the entity or entities listed on the FCC forms will not receive/have not received anything of value or a promise of anything of value, other than services and equipment sought by means of the FCC forms, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.

(d) I certify that Applicant has complied with, and will continue to comply with, all program rules, including recordkeeping requirements, and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are/will be signed contracts or other legally binding agreements covering all of the services listed on FCC application(s) except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

(e) I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

(f) I certify that I will retain required documents for a period of at least ten 10 years (or whatever retention period is required by the rules in effect at the time of this certification) after the last day of service delivered.<sup>4</sup> I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program. I acknowledge that the Consultant's good faith efforts to maintain electronic archival backup copies of such records shall not in any way reduce the Applicant's obligation to maintain its own records.

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<sup>4</sup> Electronic document retention is acceptable to the E-Rate program, unless hard copy is required by state or local rules.

(g) I certify that I am authorized to seek competitive bids for E-Rate services for the eligible entity(ies) covered by this Letter of Agency. I certify that I am authorized to make this request on behalf of the eligible entity(ies) covered by this Letter of Agency, that I have examined this Letter, that all of the information on this Letter is true and correct to the best of my knowledge, that the entity(ies) that will be receiving discounted services under this Letter pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

(h) I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities, or any person associated in any way with my entity and/or the entities, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

(i) I certify that, to the best of my knowledge, the non-discount portion of the costs for eligible services will not be paid by the service provider. I acknowledge that the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

(j) I certify that Consultant is authorized to perform electronic certification of forms on behalf of Applicant, regardless of whether (a) Consultant serves as Applicant's authorized person and uses Consultant's own PIN; or (b) Consultant is provided with PIN of Applicant's authorized person and then directed by Applicant to use it. I understand that such authorized electronic certification shall be interpreted as legally equivalent to the hand-written signature, on a paper form, of the Applicant's authorized person.

(k) I certify that I have disclosed all existing service contracts to Consultant and that I will disclose any new service contracts that are relevant, and that I will make every effort to not create new contracts that might interfere with Applicant's program funding without advance counsel from the Consultant.

(l) I certify that (if applicable) I will post my Form 470 and (if applicable) make available any related RFP for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered in a manner compliant with E-Rate program rules and that the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology goals.

(m) I certify that the Applicant entity responsible for selecting the service provider(s) will/has review(ed) all applicable FCC, state, and local procurement/competitive bidding requirements

and will comply with them. I acknowledge that persons willfully making false statements on FCC forms can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.

(n) I certify that if any funding requests are for discounts for products or services that contain both eligible and ineligible components, that I will/have allocate(d) the eligible and ineligible components as required by the Commission's rules at 47 C.F.R. § 54.504.

(o) I certify that as of the date of the start of discounted services the recipient(s) of service will have complied with the requirements of the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l). Or, pursuant to the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), the recipient(s) of service IN THE FIRST FUNDING YEAR FOR PURPOSES OF CIPA will undertake such actions, including any necessary procurement procedures, to comply with the requirements of CIPA for the next funding year.

(p) I certify that I am authorized to sign this Letter of Agency and, to the best of my knowledge, information and belief, all information provided to Consultant for E-Rate submission is true.

(q) I certify that the non-discount portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services are/will be net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

Applicant responsibilities to Consultant include:

- Assigning a primary and an alternate contact including valid email addresses and either mobile or home telephone numbers to be used by Consultant for the sole purpose of resolving urgent after-hours E-Rate matters
- Assigning and maintaining a primary and an alternate authorized signer for SLD forms
- Ensuring that at least one of the two designated contacts is available on six (6) hours notice during the final 2 weeks of the annual filing window,<sup>5</sup> for e-certification or urgent questions about applications being prepared on behalf of Applicant by Consultant
- Granting Consultant access to Applicant's online USAC/SLD E-Rate Productivity Center account

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<sup>5</sup> Each year the E-Rate application filing window varies slightly. Usually, it is January to March preceding the start of the Funding Year. Exact dates for each funding year filing window are posted on USAC's website, generally with about 60 days notice. For example: Y16 (2013-2014) window dates of 12/12/2012 to 3/14/2013 were announced 11/13/2012; Y17 (2014-2015) window dates of 1/09/2014 to 3/26/2014 were announced 11/19/2013; Y18 (2015-2016) window dates of 1/14/2015 to 3/26/2015 were announced 12/19/2014 (later extended to 4/16/2015).

- Granting full access to Consultant to the online billing systems of Applicant's telecommunications and Internet service providers, to help ensure that all eligible services are properly discounted by E-Rate
- Responding to routine information inquiries relevant to applications within 3 business days, without reminders
- Making payments to Consultant on time, so that dunning is not required
- Clearly documenting all relevant existing contracts and never signing anything relating to telecommunications, Internet access, internal connections or basic maintenance "outside the window" without first checking with Consultant regarding possible E-Rate consequences.

I understand that I may be asked to sign addenda or amendments to this Letter of Agency, from time to time, to keep information current and as E-Rate rules are updated by FCC or SLD.

<b>Consultant:</b>	Learningtech.org [The Miller Institute for Learning with Technology]
<b>Consultant Registration Number:</b>	16043681
<b>Authorized Signature:</b>	<i>Mark L. Miller</i>
<b>Printed Name:</b>	Mark L. Miller, Ph.D.
<b>Title:</b>	President and Executive Director
<b>Date:</b>	October 2, 2015
<b>Applicant:</b>	State Public Charter School Commission
<b>Authorized Signature:</b>	<i>Arthur Buto</i>
<b>Printed Name:</b>	Arthur Buto
<b>Title:</b>	Information Systems Manager
<b>Date:</b>	10/7/2015

With my initials below, I select and certify the following options:

**E-Rate document certifications will be executed via the following initialed methodology** (choose and initial only one):

\_\_\_\_\_ One of Applicant's authorized representatives will sign E-Rate documents. In selecting this option, Applicant acknowledges that signatures may be required at inconvenient times (e.g., late in evenings, on holidays, with short notice). For signature appointments, Applicant will require Internet access, handy access to Applicant's Personal Identification Number [PIN], and active participation to enter the PIN.

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\_\_\_\_\_ Applicant makes Consultant its authorized signer. By selecting this option, Consultant will handle certifications on behalf of Applicant. Applicant acknowledges that Consultant must rely 100% on Applicant's assurances for certifications and that Applicant still bears full liability for ramifications if the veracity of the certification assurances is questioned.

\_\_\_\_\_ Applicant is responsible for all forms submissions and Consultant is available to provide expert consultation. Applicant acknowledges the greater risk of missing deadlines and incorrect data entry with this approach. For this option, an additional E-RATE WAIVER FOR CLIENT CONTACT INFO ON SLD FORMS is required.

**E-Rate eligibility certification from (a) above** (choose and initial only one):

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\_\_\_\_\_ Applicant's school(s) is/are all schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million dollars.

\_\_\_\_\_ Libraries in Applicant's system are eligible for assistance from a State Library Administrative Agency under the Library Services and Technology Act of 1996, Pub. L. No. 104-208, § 211 et seq., 110 Stat. 3009 (1996) that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary, secondary schools, colleges, or universities).

## **Attachment A**

Currently authorized representatives of Consultant, for the purposes of this Letter of Agency, are as follows:

- Andree Miller
- Byron Davies, Ph.D.
- Gia Abello
- Derek Rochelle
- Eileen Miller
- Josh Chisom
- Kimberly Oesterreich
- Marlys Balsamo
- Mark L. Miller, Ph.D.
- Matt Markovich
- Rick Van Sickle
- Tom Wilkerson

This attachment may be updated from time to time by Consultant, to reflect changes in its assignment of employees and subcontractors, upon prior written notice to the Applicant, signed by Consultant's Executive Director or duly authorized representative.



## Attachment C

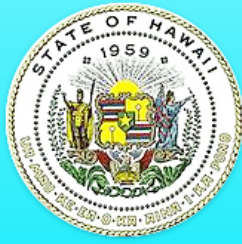
	<b>State Public Charter School Commission entities include:</b>
1	<b>Connections Public Charter School</b>
	421 Makalika St., Hilo, HI 96720
2	<b>Hakipu'u Learning Center</b>
	45-Keaahala Rd., Cottage 1, Kaneohe, HI 96744
3	<b>Halau Ku Mana Public Charter School</b>
	2101 Makiki Heights Drive, Honolulu, HI 96822
4	<b>Innovations Public Charter School</b>
	75-5815 Queen Kaahumanu Hwy., Kailua Kona, HI 96740
5	<b>Ka 'Umeke Ka'eo</b>
	222 Desha Ave., Hilo, HI 96720
6	<b>Ka Waihona o ka Na'auao Public Charter School</b>
	89-195 Farrington Hwy., Waianae, HI 96792
7	<b>Kamaile Academy</b>
	85-180 Ala Akau St., Waianae, HI 96792
8	<b>Kanuikapono Public Charter School</b>
	4333 Kukuihale Road, Anahola, HI 96703
9	<b>Kawaikini New Century Public Charter School</b>
	3-1821J Kaumualii Hwy., Lihue, HI 96766
10	<b>Ke Ana La'ahana PCS</b>
	P. O. Box 4997, Hilo, HI 967220
11	<b>Ke Kula 'o Nawahiokalani'opu'u Iki LPCS</b>
	16-120 Opukanaia St., Suite 2, Keaau, HI 96749
12	<b>Ke Kula Niihau o Kekaha Learning Center</b>
	8135 Kekaha Road, Kekaha, HI 96752
13	<b>Kona Pacific Charter School</b>
	P.O. Box 115, Kealahou, HI 96750
14	<b>Kua O Ka La New Century Public Charter School</b>
	P.O. Box 1413, Pahoa, HI 96778
15	<b>Kualapu'u School: A Public Conversion Charter</b>
	260 Farrington Hwy., Kaulapuu, HI 96757
16	<b>Kula Aupuni Niihau A Kahelelani Aloha (KANAKA)</b>
	8315 Kekaha Rd., Kekaha, HI 96752
17	<b>Lanikai Elementary Public Charter School</b>
	140 Alala Rd., Kailua, HI 96734
18	<b>Laupahoehoe Community Public Charter School</b>
	P.O. Box 189, Laupahoehoe, HI 96764
19	<b>Volcano School of Arts &amp; Sciences</b>
	P.O. Box 845, Volcano, HI 96785
20	<b>Voyager: A Public Charter School</b>
	547 Halekauwila St., Suite 203, Honolulu, HI 96813
21	<b>Waiatae Elementary Public Charter School</b>
	1045 19 <sup>th</sup> Ave., Honolulu, HI 96816

	<b>State Public Charter School Commission entities include:</b>
22	<b>Waimea Middle Public Conversion Charter School</b>
	67-1229 Mamalahoa Hwy., Kameula, HI 96743
23	<b>Na Wai Ola Public Charter School</b>
	(also known as: Waters of Life)
	P.O. Box 711539, Mountain View, HI 96771
24	<b>West Hawai'i Explorations Academy</b>
	73-4460 Queen Kaahumanu Hwy. #105, Kailua Kona, HI 96170
25	<b>Malama Honua Charter School</b>
	41-054 Ehukai Street, Waimanalo, HI 96795
26	<b>The School for Examining Essential Questions of Sustainability</b>
	(also known as: SEEQS)
	845 22 <sup>nd</sup> Ave., Honolulu, HI 96816
27	<b>Kihei Public Charter School</b>
	P.O. Box 1098, Kihei, HI 96753
28	<b>Kau Learning Academy</b>
	94-1581 Kaulua Circle, Naalehu, HI 96772
29	<b>Ke Kula 'o Samuel M. Kamakau Laboratory Public Charter School</b>
	46-500 Kuneki Street, Kaneohe, HI 96744

Entities may be updated by from time to time by mutual written agreement. However, the addition of new entities does not necessarily entitle those entities to discounts on services for which competitive bidding is already underway or has been completed; in particular, E-Rate rules generally do not allow existing contracts to be extended to new entities without subsequent competitive bidding.

Current as of 10/7/2015

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# State Public Charter School Commission (*'Aha Kula Ho'āmana*)\*

## E-Rate Consortium Letter of Agency Funding Years 2016-2017, 2017-2018 and 2018-2019

*For consortia consisting entirely of eligible schools (and admin office). Execute a separate instance for every entity, not counting the Consortium itself, including any headquarters/administrative/NIF locations and/or annexes crossing a public thoroughfare. Signed originals should be kept on file at Lead Agency's Headquarters. Electronic copies should be immediately provided to Learningtech.org (<mailto:erate@learningtech.org>) or fax: 866-801-8667). This document should **not** be sent to SLD, except by Learningtech.org when requested during PIA.*

This Letter of Agency confirms the agreement of the undersigned Applicant Member School [**Applicant**] with the undersigned Consortium Lead Agency to participate in the E-Rate Consortium described herein. The purpose of the consortium is to procure discounted goods and services using a compliant process, eligible for E-Rate discounts, including telecommunications, Internet access, internal connections, managed internal broadband services and basic maintenance, as requested by Applicant and further specified in the Applicant's technology plan (to the extent that a plan is required by program rules). Applicant hereby authorizes the Consortium Lead Agency and its authorized Consultant, The Miller Institute for Learning with Technology [Learningtech.org], to submit FCC Form 470, FCC Form 471, and all other applicable E-Rate forms to the Schools and Libraries Division [SLD] of the Universal Service Administrative Company [USAC] on its behalf. It also authorizes Consortium and its Consultant to interact with the SLD of the USAC, USAC itself, and the Federal Communications Commission [FCC] on its behalf. With this letter of agency, Applicant further authorizes Consortium and its Consultant to interact with Applicant's County Office of Education, State Department of Education and with Applicant's service providers, as needed, to support E-Rate requirements including obtaining account numbers, copies of invoices, inventories of telecommunications circuits and similar records. This Consortium Letter of Agency applies to the funding years indicated above, plus the two previous funding years. It becomes effective as of the date first duly signed by both parties and shall remain in effect through September 30, 2019, unless superseded or terminated sooner. This Letter of Agency may be terminated by either party on thirty days written notice for any business reason.

The person signing this document on behalf of the Applicant certifies that they are authorized to do so and understands that, by authorizing the Consortium and its Consultant to submit E-Rate forms on its behalf, Consortium and Consultant will necessarily rely upon the certifications made herein, in making corresponding legal certifications to the SLD on behalf of the Applicant. ***As the authorized signer of this Letter of Agency for the Applicant School, I hereby make the following certifications to the Consortium and its Consultant, who shall be indemnified and held harmless if any aspect of the information I have provided herein is untrue.***

- (a) I certify that applicant is a school (or administrative location for (a) school(s)) under the statutory definitions of elementary and secondary schools found in the No Child Left Behind

## Consortium Letter of Agency

Act of 2001, 20 U.S.C. §§ 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million.

- (b) I certify that applicant has secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that to the extent that the Billed Entity is passing through the non-discounted charges for the services requested under this Letter of Agency, that the entities I represent have secured access to all of the resources to pay the non-discounted charges for eligible services from funds to which access has been secured in the current funding year.
- (c) I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the rules of the Federal Communications Commission (Commission or FCC) at 47 C.F.R. § 54.500, 54.513 (et seq.). Additionally, I certify that the entity or entities participating in this consortium have not received anything of value or a promise of anything of value, other than services and equipment sought by means of this consortium, from the service provider, or any representative or agent thereof, or any consultant, in connection with this request for services.
- (d) I certify that applicant has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.
- (e) I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.
- (f) I certify that I will retain required documents for a period of at least ten (10) years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
- (g) I certify that I am authorized to procure and/or order telecommunications and other supported services for the eligible entity(ies) covered by this Letter of Agency. I certify that I am authorized to make this request on behalf of the eligible entity(ies) covered by this Letter of Agency, that I have examined this Letter, that all of the information on this Letter is true and correct to the best of my knowledge, that the entities that will be receiving discounted services under this Letter pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.
- (h) I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools

## Consortium Letter of Agency

and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities, or any person associated in any way with my entity and/or the entities, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

- (i) I certify that, to the best of my knowledge, the non-discount portion of the costs for eligible services will not be paid by the service provider. I acknowledge that the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.
- (j) I certify that Consortium or its Consultant is authorized to perform electronic certification of forms on behalf of Applicant, regardless of whether (a) authorized person for the Consortium enters their own PIN; (b) Consultant serves as authorized person for the Consortium and uses Consultant's own PIN; or (c) Consultant is provided with PIN of authorized person for the Consortium and directed by authorized person to enter it. I understand that such authorized electronic certification shall be interpreted as legally equivalent to the hand-written signature, on a paper form, of the Applicant's authorized person.
- (k) I certify that I have disclosed all existing service contracts to Consortium or its Consultant and that I will disclose any new service contracts that are relevant, and that I will make every effort to not create new contracts that might interfere with Applicant's program funding without advance counsel from the Consortium or its Consultant.
- (l) I certify that (if applicable) Form 470 will be posted and (if applicable) any related RFP will be made available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered in a manner compliant with E-Rate program rules and that the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology plan goals.
- (m) I certify that the Applicant entity responsible for selecting the service provider(s) will/has review(ed) all applicable FCC, state, and local procurement/competitive bidding requirements and will comply with them. I acknowledge that persons willfully making false statements on FCC forms can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.
- (n) I certify that if any funding requests are for discounts for products or services that contain both eligible and ineligible components, that the ineligible portions will be cost allocated as required by the Commission's rules at 47 C.F.R. § 54.504(g)(1), (2).
- (o) I certify that as of the date of the start of discounted services the recipient(s) of service will have complied with the requirements of the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l). Or, pursuant to the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), the recipient(s) of service IN THE FIRST FUNDING YEAR FOR PURPOSES OF CIPA will undertake such actions, including any necessary procurement procedures, to comply with the requirements of CIPA for the next funding year. I further certify that our CIPA procedures have been updated as needed to address recent requirements relating to online safety and cyber-bullying.

Consortium Letter of Agency

(p) I certify that I am authorized to sign this Letter of Agency and, to the best of my knowledge, information, and belief, all information provided to the Consortium or its Consultant for E-Rate submission is true.

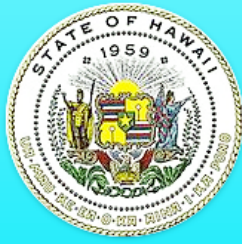
(q) I certify that the non-discount portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services are/will be net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

## Consortium Letter of Agency

**Signature Area**

This document is hereby executed by authorized representatives for both the Consortium itself and for the Applicant Member School. It is acknowledged that addenda or amendments to this Consortium Letter of Agency may be required from time to time to keep contact information current and to reflect updated E-Rate rules as issued by FCC or SLD.

State Public Charter School Commission	Kula Aupuni Niihau A Kahelelani Aloha, Kanaka, PCS
<i>Consortium Name (Lead Agency)</i>	<i>Applicant Name (Member School)</i>
1111 Bishop Street, Suite 516	8315 Kekaha Rd.
<i>Consortium Address (Line 1)</i>	<i>Applicant Address (Line 1)</i>
<i>Consortium Address (Line 2, if any)</i>	<i>Applicant Address (Line 2, if any)</i>
Honolulu, HI 96813	Kekaha, HI 96752
<i>Consortium City, State, Zip</i>	<i>Applicant City, State, Zip</i>
808-586-3773	808-337-2022
<i>Consortium Telephone</i>	<i>Applicant Telephone</i>
erate.spscsc@learningtech.org	hedy_kanaka_pcs@hawaii.rr.com
<i>Consortium Email Address</i>	<i>Applicant Email Address</i>
16066876	16039120
<i>Consortium Billed Entity Number(s)</i>	<i>Applicant Billed Entity Number(s)</i>
Arthur Buto	Hedy Sullivan
<i>Full Name of Authorized Signer for Consortium</i>	<i>Full Name of Authorized Signer for Applicant</i>
Information Systems Manager	Principal
<i>Title of Authorized Signer for Consortium</i>	<i>Title of Authorized Signer for Applicant</i>
DocuSigned by: Arthur Buto	DocuSigned by: Hedy Sullivan
<i>Signature of Authorized Signer for Consortium</i>	<i>Signature of Authorized Signer for Applicant</i>
10/19/2015	10/19/2015
<i>Signature Date</i>	<i>Signature Date</i>



# State Public Charter School Commission (*'Aha Kula Ho'āmana*)\*

## E-Rate Consortium Letter of Agency Funding Years 2016-2017, 2017-2018 and 2018-2019

*For consortia consisting entirely of eligible schools (and admin office). Execute a separate instance for every entity, not counting the Consortium itself, including any headquarters/administrative/NIF locations and/or annexes crossing a public thoroughfare. Signed originals should be kept on file at Lead Agency's Headquarters. Electronic copies should be immediately provided to Learningtech.org (<mailto:erate@learningtech.org>) or fax: 866-801-8667). This document should **not** be sent to SLD, except by Learningtech.org when requested during PIA.*

This Letter of Agency confirms the agreement of the undersigned Applicant Member School [**Applicant**] with the undersigned Consortium Lead Agency to participate in the E-Rate Consortium described herein. The purpose of the consortium is to procure discounted goods and services using a compliant process, eligible for E-Rate discounts, including telecommunications, Internet access, internal connections, managed internal broadband services and basic maintenance, as requested by Applicant and further specified in the Applicant's technology plan (to the extent that a plan is required by program rules). Applicant hereby authorizes the Consortium Lead Agency and its authorized Consultant, The Miller Institute for Learning with Technology [Learningtech.org], to submit FCC Form 470, FCC Form 471, and all other applicable E-Rate forms to the Schools and Libraries Division [SLD] of the Universal Service Administrative Company [USAC] on its behalf. It also authorizes Consortium and its Consultant to interact with the SLD of the USAC, USAC itself, and the Federal Communications Commission [FCC] on its behalf. With this letter of agency, Applicant further authorizes Consortium and its Consultant to interact with Applicant's County Office of Education, State Department of Education and with Applicant's service providers, as needed, to support E-Rate requirements including obtaining account numbers, copies of invoices, inventories of telecommunications circuits and similar records. This Consortium Letter of Agency applies to the funding years indicated above, plus the two previous funding years. It becomes effective as of the date first duly signed by both parties and shall remain in effect through September 30, 2019, unless superseded or terminated sooner. This Letter of Agency may be terminated by either party on thirty days written notice for any business reason.

The person signing this document on behalf of the Applicant certifies that they are authorized to do so and understands that, by authorizing the Consortium and its Consultant to submit E-Rate forms on its behalf, Consortium and Consultant will necessarily rely upon the certifications made herein, in making corresponding legal certifications to the SLD on behalf of the Applicant. ***As the authorized signer of this Letter of Agency for the Applicant School, I hereby make the following certifications to the Consortium and its Consultant, who shall be indemnified and held harmless if any aspect of the information I have provided herein is untrue.***

- (a) I certify that applicant is a school (or administrative location for (a) school(s)) under the statutory definitions of elementary and secondary schools found in the No Child Left Behind



## Consortium Letter of Agency

Act of 2001, 20 U.S.C. §§ 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million.

- (b) I certify that applicant has secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that to the extent that the Billed Entity is passing through the non-discounted charges for the services requested under this Letter of Agency, that the entities I represent have secured access to all of the resources to pay the non-discounted charges for eligible services from funds to which access has been secured in the current funding year.
- (c) I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the rules of the Federal Communications Commission (Commission or FCC) at 47 C.F.R. § 54.500, 54.513 (et seq.). Additionally, I certify that the entity or entities participating in this consortium have not received anything of value or a promise of anything of value, other than services and equipment sought by means of this consortium, from the service provider, or any representative or agent thereof, or any consultant, in connection with this request for services.
- (d) I certify that applicant has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.
- (e) I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.
- (f) I certify that I will retain required documents for a period of at least ten (10) years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
- (g) I certify that I am authorized to procure and/or order telecommunications and other supported services for the eligible entity(ies) covered by this Letter of Agency. I certify that I am authorized to make this request on behalf of the eligible entity(ies) covered by this Letter of Agency, that I have examined this Letter, that all of the information on this Letter is true and correct to the best of my knowledge, that the entities that will be receiving discounted services under this Letter pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.
- (h) I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools

## Consortium Letter of Agency

and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities, or any person associated in any way with my entity and/or the entities, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

- (i) I certify that, to the best of my knowledge, the non-discount portion of the costs for eligible services will not be paid by the service provider. I acknowledge that the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.
- (j) I certify that Consortium or its Consultant is authorized to perform electronic certification of forms on behalf of Applicant, regardless of whether (a) authorized person for the Consortium enters their own PIN; (b) Consultant serves as authorized person for the Consortium and uses Consultant's own PIN; or (c) Consultant is provided with PIN of authorized person for the Consortium and directed by authorized person to enter it. I understand that such authorized electronic certification shall be interpreted as legally equivalent to the hand-written signature, on a paper form, of the Applicant's authorized person.
- (k) I certify that I have disclosed all existing service contracts to Consortium or its Consultant and that I will disclose any new service contracts that are relevant, and that I will make every effort to not create new contracts that might interfere with Applicant's program funding without advance counsel from the Consortium or its Consultant.
- (l) I certify that (if applicable) Form 470 will be posted and (if applicable) any related RFP will be made available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered in a manner compliant with E-Rate program rules and that the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology plan goals.
- (m) I certify that the Applicant entity responsible for selecting the service provider(s) will/has review(ed) all applicable FCC, state, and local procurement/competitive bidding requirements and will comply with them. I acknowledge that persons willfully making false statements on FCC forms can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.
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Consortium Letter of Agency

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## Consortium Letter of Agency

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State Public Charter School Commission <i>Consortium Name (Lead Agency)</i>	Kona Pacific Charter School <i>Applicant Name (Member School)</i>
1111 Bishop Street, Suite 516 <i>Consortium Address (Line 1)</i>	P.O. Box 115 <i>Applicant Address (Line 1)</i>
 <i>Consortium Address (Line 2, if any)</i>	 <i>Applicant Address (Line 2, if any)</i>
Honolulu, HI 96813 <i>Consortium City, State, Zip</i>	Kealahou, HI 96750 <i>Applicant City, State, Zip</i>
808-586-3773 <i>Consortium Telephone</i>	808-322-4900 <i>Applicant Telephone</i>
erate.spscsc@learningtech.org <i>Consortium Email Address</i>	director@kppcs.org <i>Applicant Email Address</i>
16066876 <i>Consortium Billed Entity Number(s)</i>	16051626 <i>Applicant Billed Entity Number(s)</i>
Arthur Buto <i>Full Name of Authorized Signer for Consortium</i>	Shaheer Faltas <i>Full Name of Authorized Signer for Applicant</i>
Information Systems Manager <i>Title of Authorized Signer for Consortium</i>	Director <i>Title of Authorized Signer for Applicant</i>
DocuSigned by: Arthur Buto <i>Signature of Authorized Signer for Consortium</i>	DocuSigned by: Shaheer Faltas <i>Signature of Authorized Signer for Applicant</i>
10/19/2015 <i>Signature Date</i>	11/23/2015 <i>Signature Date</i>